THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.18909 of 2006

Date : 25-9-2006

Between :

A.Sampath s/o.A.V.Ayyakannu .. Petitioner

And

The Divisional Panchayat Officer,
Chandragiri, Chittoor District
and another. .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.18909 of 2006

ORDER:

1. Heard the Counsel.

2. The Writ Petition is filed for a writ of mandamus declaring the action of 2nd respondent in proceeding to demolish the structure in Sy.No.110/2A, S.N.Puram of Tukivakam Gram Panchayat, Renigunta Mandal, Chittoor District on the basis of the Memo issued by 1st respondent in Rc.No.724/2005/D dated 7-9-2006 and without issuing notice as illegal, arbitrary and in violation of principles of natural justice and to pass such other suitable orders.

3. It is stated that the petitioner is the owner of the land in Sy.No.110/2A, admeasuring an extent of 0-20 cents of Tukuvakam Gram Panchayat, Renigunta Mandal, Chittoor District having purchased the same by means of a registered sale deed on 22-5-1999. It is also stated that in the said premises the petitioner constructed a temporary structure of 210 sq. ft. of Asbestos sheets covered room and rented the same on lease to one K.Murali s/o.K.Krishna Reddy in the month of June 2006. In the said shed, the lessee had made an application to the Excise Department and was also granted licence and he is running a shop. It is also stated that while this is the position, one G.Nagamuni Reddy of Kadapa District seems to have submitted a complaint to the Hon'ble Chief Minister stating that the petitioner had made unauthorised constructions in Sy.No.110 of Tukivakam Gram Panchayat. On receipt of the said

complaint, the office of the Chief Minister seems to have forwarded the same to the Tirupati Urban Development Authority, Tirupati who in turn had forwarded the same to the District Panchayat Officer stating that the petitioner made constructions without obtaining permission and as per G.O.Ms.No.408 dated 8-8-1994 the Gram Panchayat has got the power to remove unauthorised constructions and they received a Memo from the office of the Chief Minister directly to remove the unauthorised construction and also to stop electricity connection to the building and sent a report to the Department immediately. On receipt of the said letter, the District Panchayat Officer had forwarded the same to the Divisional Panchayat Officer, Chandragiri and the 1st respondent in turn directed the 2nd respondent to remove the construction forthwith and submit compliance within three days. It is further stated that basing on the letter that had been written by the 1st respondent, the 2nd respondent is taking steps to demolish the structure. It is also stated that the structures which are existing on the petitioner's land are temporary structures and the petitioner was under bona fide impression that the same do not require any permission from the Gram Panchayat or the Tirupati Urban Development Authority. It is also stated that the erection of temporary structures is not causing any inconvenience to the public at large. Immediately after receipt of the said notice, the petitioner submitted an application for approval of the plan before the Tirupati Urban Development Authority on 11-9-2006 praying for approval of structures that had been made. It is also stated that even before the same is considered the 2nd respondent is taking steps to demolish the structures. In such circumstances the petitioner approached this Court. The petitioner also had referred to certain provisions of the A.P. Panchayat Raj Act and several other factual

details also had been narrated.

4. An additional affidavit also is filed narrating several further details. It is stated that the 2nd respondent had issued notices to the petitioner on 15-5-2006. It is further stated that all these notices had been served on the petitioner on 22-8-2006 and immediately on 30-8-2006 the petitioner submitted a representation praying 15 days time from 30-8-2006 to submit the necessary plans to the authority for approval. It is also further stated that the petitioner met the 2nd respondent on two or three occasions to receive the plan but the 2nd respondent was not receiving the same and hence the petitioner submitted the said plans to the Vice Chairman, Tirupati Urban Development Authority on 11-9-20006. It is also further stated that the petitioner is under a bona fide impression that the plans are not necessary for such construction and several other factual details also had been narrated.

5. In the light of the facts and circumstances this Court is of the considered opinion that the Writ Petition can be disposed of with the following directions:

The petitioner to make appropriate application praying for necessary permission to the 2nd respondent within a period of two weeks from today and the 2nd respondent to consider the same in accordance with law and dispose of the same within a period of four weeks thereafter. Till such exercise is made, status quo as on today to be maintained. No costs.

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Justice P.S. Narayana

Date : 25-9-2006

AM